

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri Muda Srinivasa Rao S/o M. Hazarattaiah, Admn Officer, LIC of India Divisional Office, SPSR Nellore District against the proceedings No.D.Dis.(C5)1046/2008, dated 18.11.2010 of the District Collector, SPSR Nellore under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

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**SOCIAL WELFARE (TW.CV.2) DEPARTMENT**

G.O.MS.No. 52

Dated: 02-05-2018  
Read the following:

1. Proceedings of the District Collector, SPSR Nellore, D.Dis.(C5)1046/2008, dated 18.11.2010.
2. Appeal Petition filed by Sri Muda Srinivasa Rao S/o M Hazarattaiah R/o Admn Officer, LIC of India Divisional Office, SPS Nellore District, dt.28.12.2010.
3. Govt. Memo No.12066/CV.2/2010-1, dated 10.02.2011.
4. From the District Collector, SPSR Nellore, Lr.No.Rc.C5(M) 276/2012, dated 14.10.2014 & 05.02.2015.
5. Govt. Memo No.12066/CV.2/2010, dated 01.06.2017 & 30.6.2017 .
6. Written arguments filed by the appellant through his Counsel before the Appellate Authority on 15.07.2017.
7. Govt. Memo No.12066/CV.2/2010, dated 18.08.2017.
8. Affidavit filed by the appellant through his Counsel before the Appellate Authority on 16.09.2017.

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**ORDER:**

In the reference 1<sup>st</sup> read above, the District Collector, SPSR Nellore has issued orders cancelling ST-Sugali caste certificate obtained from the then Mandal Revenue Officer, Udayagiri in the year 1985, 1987 & 1991 by Sri Muda Srinivasa Rao S/o M. Hazarattaiah.

2. In the reference 2<sup>nd</sup> read above, Sri Muda Srinivasa Rao S/o M. Hazarattaiah, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, SPSR Nellore. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, SPSR Nellore and called for the parawise remarks and connected records from the District Collector, SPSR Nellore in the reference 3<sup>rd</sup> read above.

3. In the reference 4<sup>th</sup> read above, the District Collector, SPSR Nellore has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Muda Srinivasa Rao S/o M. Hazarattaiah.

4. The said Appeal Petition has been posted for hearing on 17.06.2017, 15.07.2017 & finally on 16.09.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5<sup>th</sup> & 7<sup>th</sup> read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the references 6<sup>th</sup> & 8<sup>th</sup> read above the appellant has filed written arguments through his Counsel before the Appellate Authority on 15.07.2017 & 16.09.2017.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, SPSR Nellore and proceedings of the District

**[P.T.O]**

Collector, SPSR Nellore, dated 18.11.2010 the Appellate Authority is observed that :

- I. The appellant in his grounds has stated that his grandfather Sri Ramaiah and his father Hazarattaiah and himself are belonging to Sugali(ST) caste. All the educational and other records shows that they belong to said caste. Due to family disputes, his wife with an evil intention lodged a written complaint that he secured the employment by miss-representing the case as Sugali and but he belongs to Balija Naidu.
- II. The District Level Scrutiny Committee has observed that based on the report of Tahsildar, Udayagiri, the great grandfather of Sri Muda Srinivasa Rao had migrated to Udayagiri 70 years back and no relatives of Sri Muda Srinivasa Rao are residing in Udayagiri Village and only this family having surname *Muda* is residing in the village and the Tahsildar had failed to determine the caste of the above individual. Further, the RDO, Kavali has reported that the mother of Sri Muda Srinivasarao belongs to Balija caste and the said Srinivasa Rao had married Vijayalakshmi who also belongs to Balija caste and with a malaflied intension to avail the benefits of ST's, the appellant's parents maintained records as Sugali his educational period. He got recorded the caste of his children in the school records as Balija. If he really belongs to Sugali caste, then he would not have changed the caste of his children, hence it is clearly revealed that the appellant does not belong to *Sugali* caste. Further it is observed that his family members have marital relations with Balija caste people only, but not Sugali caste people. They do not know Gothrams and language of Sugali caste. They are not in the fold of Sugali (ST) community and they are not accepted by the tribal society. Further, the appellant has produced a copy of land registration document pertaining to the year-1937, wherein caste of his paternal grandfather i.e. Sri Muda Ramaiah, S/o Bodaiah was mentioned as Sukala and Service Register of his father i.e. Sri Muda Hazarathaiah, S/o Ramaiah, wherein caste was mentioned as Sukala. Based on the DLSC findings, the District Collector, SPSR Nellore has cancelled the appellant's ST-Sugali caste certificate.
- III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.
- IV. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to observe that his grandfather, his father and himself belongs to Sugali and due to dispute of his family the complaint was lodged with false information and the registered document pertaining the year 1937 of his grandfather caste mentioned as Sugali community which was identified as Scheduled Tribe as such he able to prove his case as belongs to ST Sugali community. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence to prove the recitals of the registered document of the year 1937 that his paternal grandfather belongs to ST Community and the genealogy tree of him. That as seen from the record that the father of appellant himself and his children including the appellant married the persons belongs to Balija caste and all of them are not in the fold of

[Contd.. on P.3]

Sugali(ST) community and they are not accepted by the Sugali community. It is further brought to the notice that the certificate earliest issued to the individual in a routine manner and the same was cancelled after conducting detailed and through enquiry into the caste status of the individual. That as per the act that the burden of proving that the appellant belongs to particular caste shall be on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authority failed to produce any additional material more particularly the evidence of his grandfather caste and genealogy tree of his for re-appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the Learned District Collector, SPSR Nellore District.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Muda Srinivasa Rao S/o M. Hazarattaiah does not deserve any interference. Hence, Proceedings of the District Collector, SPSR Nellore issued vide D.Dis.(C5)1046/2008, dated 18.11.2010, is hereby upheld and the Appeal Petition filed by Sri Muda Srinivasa Rao S/o M. Hazarattaiah, is hereby dismissed and the interim stay granted earlier stands vacated and the Certificates issued by the then Mandal Revenue Officer, Udayagiri is deemed to be cancelled.

7. The District Collector, SPSR Nellore is directed to take necessary consequential action in the matter.

8. The records (containing D.Dis.(C5)1046/2008, dated 18.11.2010, pages: CF: 1-152 & NF: 1-10) received from the District Collector, SPSR Nellore through in the reference 4<sup>th</sup> read above, are returned herewith in original to the District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**S.S. RAWAT  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The District Collector, SPSR Nellore .(BY RPAD)  
(with original records).

Sri Muda Srinivasa Rao  
S/o M Hazarattaiah  
R/o Admn Officer, LIC of India Divisional Office,  
SPSR Nellore District.

Sri Sai Gangadhar Chamarty & Ramakrishna Rao Channna, advocates,  
Flat No.305, Aditya Arcade,  
Azamabad, Hyderabad-20.

The Senior Divisional Manager,  
LIC of India, Divisional Office,  
Jeevan Prakash, Dargamitta, Nellore,  
SPSR Nellore District

**Copy to :**

The Director, TCR& TI, AP, Amaravathi.

The PS to M(SWE& TWE).

The PS to Principal Secretary (SW&TW)

**// FORWARDED:: BY ORDER //**

**SECTION OFFICER**

